

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D.C. 20554**

In the Matter of)	
)	
Lifeline and Link Up Reform And Modernization)	WC Docket No. 11-42
)	
Lifeline and Link Up)	WC Docket No. 03-109
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Advancing Broadband Availability Through Digital Literacy Training)	WC Docket No. 12-23
)	

**REPLY COMMENTS OF THE
PUBLIC UTILITY DIVISION OF THE OKLAHOMA CORPORATION COMMISSION**

On January 31, 2014, the Federal Communications Commission's ("FCC") Wireline Bureau issued a Public Notice, DA 14-116, seeking comments and reply comments on a petition for waiver filed by TracFone Wireless, Inc. ("TracFone"). In its petition, TracFone seeks a waiver from the rule¹ prohibiting the retention of documentation produced by applicants and relied upon in establishing eligibility, both income-based and program-based, of consumers enrolling in the Lifeline Program. Several ETCs and organizations filed comments supporting TracFone's request for waiver in response to the FCC's Public Notice in this matter.² The Public

¹ Commission rules 54.410(b)(1)(ii) and 54.410(c)(1)(ii), (47 C.R.F. §§54.410(b)(1)(ii) and 54.410(c)(1)(ii)).

² See, Comments of COMPTel filed March 3, 2014, Comments of The Lifeline Reform 2.0 Coalition filed March 3, 2014 and Comments of The Free State Foundation filed March 3, 2014.

Utility Division ("PUD") of the Oklahoma Corporation Commission ("OCC") hereby provides reply comments in this matter.

DISCUSSION

The Oklahoma Corporation Commission, exercises regulatory oversight of the Eligible Telecommunication Carriers ("ETCs") serving Oklahoma's consumers.³ Accordingly, in its capacity, PUD serves to authenticate and ensure that all ETCs operating in Oklahoma are in compliance with Federal and State rules governing the Lifeline program. PUD is in support of the TracFone petition before the Wireline Bureau and, consistent with the comments filed by COMPTel and The Lifeline Reform 2.0 Coalition suggesting any waiver of these requirements should be applicable to all ETCs, believes the requested waiver of the rules should also be granted to similarly situated ETCs operating in Oklahoma, which could lend significant support to PUD's efforts to fulfill its obligations as a regulatory authority to:

1. Seek compliance with enrollment and eligibility determination requirements;
2. Determine that proper eligibility documentation is being accepted by the ETC providing Lifeline service;
3. Improve the level of confidence that the Lifeline program is serving only those eligible recipients.

As an example, PUD recently determined that documentation accepted for establishing eligibility via the Bureau of Indian Affairs General Assistance Program was inconsistent with the requirements and, therefore, in some cases, eligibility was established through invalid

³ TracFone has not been designated as an Eligible Telecommunications Carrier in Oklahoma and, accordingly, does not currently provide Lifeline services in the state.

documentation.⁴ Providing for document retention, as requested by TracFone in its petition, and supported by commenting parties, would allow PUD to more readily identify such errors which furthers the goal to ensure enrollment of only eligible Lifeline subscribers.

PUD notes that TracFone suggests that the “auditable evidence” that would be created through retention of the eligibility document would be available for “inspection by Universal Service Administrative Company (‘USAC’) and Commission auditors.” PUD believes state commissions that designate and regulate ETCs and their provision of Lifeline service, such as the Oklahoma Corporation Commission, should also have access to this “auditable evidence.”⁵ Accordingly, any grant of the requested waiver should specifically allow access by such state regulatory agencies in addition to USAC and the FCC.

PUD also notes that COMPTTEL, in its comments, highlights a February 20, 2014 *Ex parte* filing from Maribeth Snapp and Jim Jones of PUD to Marlene Dortch, filed in WC Docket No. 11-42, which indicates the OCC staff noted it would be helpful for ETCs to be able to retain proof of eligibility when enrolling a Lifeline subscriber. Additionally, COMPTTEL's comments reference a rulemaking proceeding at the OCC in which an amendment to the OCC's rules was being considered that would have required ETCs to retain copies of eligibility documentation. Although that rulemaking was closed without this amendment being adopted, PUD continues encourage the FCC to allow ETCs to retain proof of eligibility when enrolling a Lifeline subscriber. Accordingly, the FCC's grant of TracFone's waiver request, with access being

⁴ Research found that an ETC had accepted a Tribal Identification card as evidence of participation in the Bureau of Indian Affairs General Assistance Program. This practice was not compliant with the requirement to view an award letter or, in the alternative, a benefit check stub from the BIA. See USAC “Acceptable Forms of Documentation for Tribal Programs (<http://www.usac.org/li/telecom-carriers/step06/program-eligibility.aspx>). The ETC subsequently re-established eligibility with proper documentation.

⁵ Any particular state regulatory agency's interest in such documentation would be specific to those records associated with the provision of Lifeline service within the state for which the regulatory agency has authority.

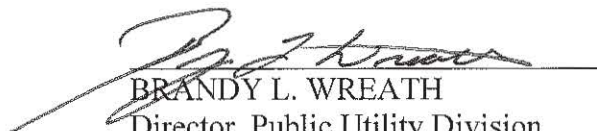
granted to state regulatory agencies, is necessary in order to enhance PUD's efforts to exercise its regulatory oversight of ETCs operating in Oklahoma.

CONCLUSION

The PUD of the Oklahoma Corporation Commission requests that the FCC grant TracFone's petition for waiver of Lifeline rules prohibiting retention of income-based and program-based eligibility documents, with the requested adjustments that state regulatory agencies such as the Oklahoma Corporation Commission be allowed access to the relevant retained documents and that the waiver be applicable to all ETCs.

DATE: March 17, 2014.

Respectfully submitted,


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